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FISCAL IMPACT STATEMENT

LS 6742

BILL NUMBER: HB 1069

NOTE PREPARED: Apr 5, 2005

BILL AMENDED: Jan 11, 2005

SUBJECT: Home- and Community-Based Services.

FIRST AUTHOR: Rep. Hinkle

FIRST SPONSOR: Sen. M. Young

BILL STATUS: As Passed Senate

FUNDS AFFECTED: X **GENERAL
DEDICATED
FEDERAL**

IMPACT: State

Summary of Legislation: This bill voids rules adopted by the Division of Disability, Aging, and Rehabilitative Services (DDARS) concerning home- and community-based services (HCBS). The bill requires DDARS to adopt new rules implementing: (1) the Caretaker Support Program; and (2) standards for continuum of care providers; not later than January 1, 2006. It requires DDARS to consult with certain interested parties to ensure that the new rules: (1) protect consumers of HCBS; (2) address the specific needs of distinct populations of consumers; (3) do not create barriers to HCBS by imposing certain costs and requirements on providers; and (4) comply with the requirements of the statutes establishing long-term care services and the Community and Home Options to Institutional Care for the Elderly and Disabled (CHOICE) Program. It also requires DDARS to submit its written response to any comments received during the rulemaking process to the publisher of the Indiana Register for publication. The bill requires DDARS to report to the Administrative Rules Oversight Committee on the status of the rules not later than September 1, 2005. (The introduced version of this bill was prepared by the Administrative Rules Oversight Committee.)

Effective Date: Upon passage.

Explanation of State Expenditures: This bill would void 460 IAC 1.1 which concerns home- and community-based services, including qualifications for approved providers, the process by which the Bureau of Aging and In-Home Services (BAIHS) within DDARS approves providers, the BAIHS process for monitoring and ensuring compliance with provider standards and requirements, the rights of individuals receiving services, protection of individuals receiving services, the standards and requirements for approved providers, and definitions for home- and community-based services. 460 IAC 1.1 was adopted by DDARS on August 5, 2004.

New Rules: The bill requires DDARS to adopt rules, in place of the voided 460 IAC 1.1, to implement the Caretaker Support Program by January 1, 2006. The current administrative duties of DDARS include creation and implementation of administrative rules. The expenses associated with the rulemaking process should be able to be absorbed within the existing budget and resources.

The creation of new rules and the voiding of 460 IAC 1.1 could result in changes in expenditures or revenue for the state, depending on the changes made in the rules. The actual impact is unknown, however, and will depend upon administrative actions.

Indiana Register: The bill requires DDARS to submit to the Indiana Register the Division's written response to any comments received from parties consulted when creating the aforementioned rules. Assuming that the response is reasonable in length, publishing costs should fall within current budgetary expenditures for the Register.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Family and Social Services Administration.

Local Agencies Affected:

Information Sources: *Indiana Register*, Volume 28, Number 2.

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